

### REMARKS

Responsive to the Office Action mailed 13 June 2008, the present paper is timely filed on or before 15 September 2008, the first day after 13 September that is not a Saturday, Sunday, or federal holiday in the District of Columbia.

By the present paper, claims 1 - 6 are canceled and new claims 7 - 10 are added. Accordingly, claims 7 - 10 are in the Application.

Entry of the amendments, entry of the new claims, and reconsideration of the Application are respectfully requested.

*Amendments to the Title:*

The title is amended to more accurately the subject matter disclosed and claimed in the Application.

*The New Claims:*

New claims 7 - 10 are added. The new claims point-out with even greater particularity that the ancient water or ancient salty water of Applicant's invention are from sealed deposits of a fracture zone in a layer that is a phyllitic layer or an ancient limestone layer; the layer being below a metamorphic rock layer.

Support for the amendments can be found in the specification at, for example, page 9, lines 12 - 18, as well as in the claims as filed.

Applicant respectfully submits that the new claims do not introduce new matter into the Application.

*Claim Rejections Under 35 U.S.C. § 101:*

Claims 1 - 6 were rejected under 35 U.S.C. § 101 as allegedly drawn to non-statutory subject matter. Claims 1 - 6 are canceled and new claims 7 - 10

point out with the requisite particularity that Applicant's claims are drawn to cosmetics or beverages that merely include ancient water, ancient salty water, or a component derived from either of them, where the ancient water or ancient salty water is obtained from specific geological strata or formations. Accordingly, Applicant respectfully submits that the rejection is improper and should be withdrawn.

*Claim Rejections Under 35 U.S.C. § 112, paragraph second:*

Claims 1 - 6 were rejected under 35 U.S.C. § 112, ¶2, as allegedly indefinite. Applicant respectfully submits that cancellation of claims 1 - 6 renders the rejection moot and that the rejection should therefore be withdrawn.

*Claim Rejections Under 35 U.S.C. § 102:*

Claims 1 - 3 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Kaoru et al., published Japanese Patent Application 2000-343115, which matured to JP 2002-2145737 (JP '737).

As can be seen in the translation of the relevant sections of JP '737, attached a Tab A, the "ancient water" disclosed in JP '737 is ancient water sealed in a crustal deep layer, having been buried and closed-off from the environment in coral skeletons of a coral reef.

In contrast, the ancient water and/or ancient salty water of the present invention is water sealed in a fracture zone, being a phyllite layer or an ancient limestone formation that is in a layer that is below a metamorphic rock layer. The water disclosed by JP '737 and the water of the instant invention have different origins in nature and have experienced different geological histories.

Because the water disclosed in JP '737 is clearly not the same as the water used as a component of Applicant's inventive cosmetics and beverages, JP '737 does not teach each and every limitation of Applicant's claims.

Claims 1, 2, 5, and 6 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by published Japanese Patent Application 2000-336951, which matured to JP 2002-136271 (JP '271).

As can be seen in the translation of the relevant sections of JP '271, attached a Tab B, the "ancient water" disclosed in JP '271 is ancient water sealed in a crustal deep layer, having been buried and closed-off from the environment in coral skeletons of a coral reef.

In contrast, the ancient water and/or ancient salty water of the present invention is water sealed in a fracture zone, being a phyllite layer or an ancient limestone formation that is in a layer that is below a metamorphic rock layer. The water disclosed by JP '271 and the water of the instant invention have different origins in nature and have experienced different geological histories.

Because the water disclosed in JP '271 is clearly not the same as the water used as a component of Applicant's inventive cosmetics and beverages, JP '271 does not teach each and every limitation of Applicant's claims.

Conclusion:


Applicant respectfully submits that, based on the foregoing amendments and remarks, the claims are now in condition for allowance, which allowance is earnestly solicited.

If, in the opinion of the Examiner, a telephone conference would advance prosecution of the Application, the Examiner is invited to telephone the undersigned attorneys.

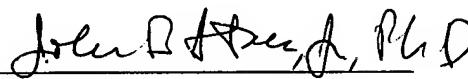

Applicant respectfully submits that no fee is due with this paper. If in fact a fee is due, the Commissioner is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

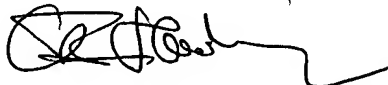
Jordan and Hamburg LLP

By   
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicants

and,

By   
John B. Starr, Jr., Ph.D  
Reg. No. 44,474  
Attorney for Applicants 

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340

  
Reg No 22,389

Enc. Translation of Paragraphs from JP 2002-2145737 and JP 2002-136271